
Costs Decision

Site visit made on 11 January 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th February 2017

Costs application in relation to Appeal Ref: APP/L5810/W/16/3159848 14a St Peters Road, Twickenham, TW1 1QX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Keith Miers & Suneel Chadha for a full award of costs against the Council of the London Borough of Richmond-upon-Thames.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for demolition of existing dwelling and erection of a 2½-storey replacement dwellinghouse; resubmission pursuant to APP/L5810/W/15/ 3134615.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance ("PPG") advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The site was subject to a previous dismissed appeal decision (ref APP/L5810/W/15/3134615) for a similar scheme, dated 29 April 2016. The appellant submits that the Council has acted unreasonably in that it has persisted in its objections to the development despite the previous Inspector's findings.
 4. In dismissing that appeal, the previous Inspector found that the development would have failed to preserve the setting of the adjacent Grade II listed building (No 16), and would have unacceptably harmed the living conditions of Nos 14 and 16 St Peters Road. He also found that the development would have preserved the character and appearance of the St Margaret's Estate Conservation Area, and the setting of the adjacent Building of Townscape Merit (No 14).
 5. In seeking to address the previous Inspector's concerns, the current appeal scheme has re-positioned the dwelling so that it's roof is broadly in line with the front and rear elevations of No 16. This would have a different relationship to the adjacent listed building and Building of Townscape Merit than the previous scheme, particularly when viewed from the road. Whilst I have found that these matters do not justify the dismissal of the appeal, that is essentially a matter of professional judgement. It was not unreasonable for the Council to take a different view in this case.
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6. In order to address the previous Inspector's concerns in relation to loss of privacy, the current appeal scheme proposes smaller rear balconies that incorporate privacy screens at first floor level. However, the repositioning of the dwelling would have a different relationship at the rear of the property, particularly in relation to the position of the rear areas of glazing. Again, the effect of this on privacy is a matter of professional judgement, and it was not unreasonable for the Council to take the view that it did.
7. The appellant also states that the Council acted unreasonably in delaying the determination of the planning application. However PPG is clear that costs cannot be claimed for the period during the determination of the planning application (PPG paragraph Reference ID: 16-033-20140306).
8. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR